

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

David M. Stern (State Bar No. 67697)  
Michael L. Tuchin (State Bar No. 150375)  
Robert J. Pfister (State Bar No. 241370)  
Colleen M. Keating (State Bar No. 261213)  
Jonathan M. Weiss (State Bar No. 281217)  
KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 Avenue of the Stars, Thirty-Ninth Floor  
Los Angeles, California 90067  
Telephone: 310-407-4000  
Facsimile: 310-407-9090  
Email: dstern@ktbslaw.com  
mtuchin@ktbslaw.com  
rpfister@ktbslaw.com  
ckeating@ktbslaw.com  
jweiss@ktbslaw.com

Steven T. Gubner (State Bar No. 156593)  
Jason B. Komorsky (State Bar No. 155677)  
Michael W. Davis (State Bar No. 274126)  
BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP  
21650 Oxnard Street, Suite 500  
Woodland Hills, California 91367  
Telephone: 818-827-9000  
Facsimile: 818-827-9099  
Email: sgubner@brutkusgubner.com  
jkomorsky@brutkusgubner.com  
mdavis@brutkusgubner.com

*Attorneys for Plaintiff Alfred H. Siegel, as Trustee  
for the Circuit City Stores, Inc. Liquidating Trust*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE OPTICAL DISK DRIVE ANTITRUST  
LITIGATION

Case No. 3:15-cv-03248 RS

Master File No. 3:10-md-2143 RS

This document relates to:

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING FIRST AMENDED  
COMPLAINT**

Alfred H. Siegel, as Trustee for the Circuit  
City Stores, Inc. Liquidating Trust,

Plaintiff,

v.

Sony Corporation, et al.,

Defendants.

1 WHEREAS, on July 13, 2015, plaintiff Alfred H. Siegel, in his capacity as Trustee for the  
2 Circuit City Stores, Inc. Liquidating Trust (“Plaintiff”), filed his *Complaint for Damages* [Docket  
3 No. 1] (the “Original Complaint”) in the above-captioned action;

4 WHEREAS, on August 6, 2015, the Court entered the *Stipulation and Order Regarding*  
5 *Service of Process and Deadlines to Respond to Complaint* [Docket No. 11], under which  
6 defendants had ninety (90) days from the date of service of process to answer or otherwise respond  
7 to the Original Complaint;

8 WHEREAS, on November 2, 2015, the Court entered the *Stipulation and Order Regarding*  
9 *Deadline to Respond to Complaint* [Docket No. 16], which set a single date (November 13, 2015)  
10 as the deadline for all defendants to answer or otherwise respond to the Original Complaint, and  
11 further provided that Plaintiff’s opposition to any motions to dismiss that were filed would be due  
12 sixty (60) days after the filing of such motions, with replies due thirty (30) days thereafter;

13 WHEREAS, on November 13, 2015, defendants filed motions to dismiss the Original  
14 Complaint [Docket Nos. 17, 18, 19] (the “Motions to Dismiss”), with a specified hearing date of  
15 February 18, 2016, at 1:30 p.m.;

16 WHEREAS, on January 8, 2016, the Court entered the *Stipulation and Order Regarding*  
17 *Defendants’ Motions to Dismiss the Complaint* [Docket No. 21], which provided that Plaintiff’s  
18 opposition to the Motions to Dismiss is due on January 26, 2016 and replies in further support of  
19 the Motions to Dismiss are due February 25, 2016, and further provided that a hearing on the  
20 Motions to Dismiss would be held on the earliest date convenient to the Court;

21 WHEREAS, Plaintiff has proposed to amend his Original Complaint, and Defendants  
22 consent to such amendment, subject to their right to move to dismiss the amended pleading (the  
23 “First Amended Complaint”);

24 NOW, THEREFORE, it is hereby STIPULATED and AGREED that:

25 1. Plaintiff is granted leave to amend pursuant to Rule 15(a)(2) of the Federal Rules of  
26 Civil Procedure. Plaintiff’s First Amended Complaint shall be filed within five (5) days after  
27 entry of this stipulation and order by the Court.

1           2.       Defendants' Motions to Dismiss [Docket Nos. 17, 18, 19] directed to the Original  
2 Complaint are denied as moot, without prejudice to any renewed motion(s) directed to the First  
3 Amended Complaint. This stipulation does not constitute a waiver by defendants of any defense,  
4 including but not limited to those defenses provided under Rule 12 of the Federal Rules of Civil  
5 Procedure.

6           3.       Defendants' answer or other response shall be due ninety (90) days after the filing  
7 of the First Amended Complaint. If defendants respond by moving to dismiss the First Amended  
8 Complaint, Plaintiff's opposition to any such motion(s) shall be due sixty (60) days thereafter, and  
9 any reply brief(s) shall be due thirty (30) days thereafter.

10           IT IS SO STIPULATED.

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
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TELEPHONE: 310-407-4000

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1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

1  
2 DATED: January 26, 2016

KLEE, TUCHIN, BOGDANOFF & STERN LLP

3  
4 /s/ Colleen M. Keating

5 Colleen M. Keating

6 *Attorneys for Plaintiff Alfred H. Siegel, as Trustee for*  
7 *the Circuit City Stores, Inc. Liquidating Trust*

8 DATED: January 26, 2016

LATHAM & WATKINS LLP

9  
10 /s/ Belinda S Lee

11 Belinda S Lee

12 Brendan A. McShane

505 Montgomery Street Suite 2000

San Francisco, CA 94111-6538

Tel.: 415-395-8164

14 Fax: 415-395-8095

15 Belinda.Lee@lw.com

Brendan.McShane@lw.com

16 *Attorneys for Defendants Toshiba Corporation, Toshiba*  
17 *America Information Systems, Inc., Toshiba Samsung*  
18 *Storage Technology Corp., and Toshiba Samsung*  
19 *Storage Technology Korea Corp.*

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

1  
2 DATED: January 26, 2016

O'MELVENY & MYERS LLP

3  
4 /s/ Ian Simmons

5 Ian Simmons  
6 1625 Eye Street, NW  
7 Washington, DC 20006-4001  
8 Tel.: 202-383-5106  
9 Fax: 202-383-5414  
10 isimmons@omm.com

11 *Attorneys for Defendants Samsung Electronics Co. Ltd.*  
12 *and Samsung Electronics America, Inc.*

13  
14 DATED: January 26, 2016

BAKER BOTTS LLP

15 /s/ Evan Werbel

16 Evan Werbel  
17 1299 Pennsylvania Ave., NW  
18 Washington, D.C. 20004-2400  
19 Tel.: 202-639-1323  
20 Fax: 202-585-4077  
21 evan.werbel@bakerbotts.com

22 *Attorneys for Defendants Lite-On IT Corp., Lite-On*  
23 *Sales & Distribution Inc., Koninklijke Philips N.V.,*  
24 *Philips Electronics North America Corporation, Philips*  
25 *& Lite-On Digital Solutions Corp., and Philips & Lite-*  
26 *On Digital Solutions USA, Inc.*

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: 310-407-4000

DATED: January 26, 2016

BOIES, SCHILLER & FLEXNER LLP

John F. Cove, Jr.

John F. Cove, Jr.

Steven C. Holtzman

1999 Harrison Street, Suite 900

Oakland, CA 94612

Tel.: 510-874-1002

Fax: 510-874-1460

jcove@bsfllp.com

sholtzman@bsfllp.com

*Attorneys for Defendants Sony Optiarc America Inc.,  
Sony Electronics Inc., Sony Corporation, and Sony  
Optiarc Inc.*

**ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

DATED: January 26, 2016

/s/ Colleen M. Keating

Colleen M. Keating

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: 2/3, 2016



Hon. Richard Seeborg  
United States District Judge